IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2203 OF 2007

Shree Sant Sena Samaj Sahakari Gruha
Nirman Bhadekaru Malki Sanstha Ltd. ....Petitioner
V/s.
Pradeep A. Jadhav & Ors. ....Respondents

Mr.Anilkumar Patil for the Petitioner.

CORAM : F.I. REBELLO &
R.M. SAVANT, JJ.
DATED : 3RD APRIL, 2007.

P.C. :

1. The Petitioner claims as owners of land on which Respondent No.1 has committed an encroachment. It is the case of the Petitioner that injunction sought by Respondent No.1 against them has been rejected. In these circumstances, the Petitioners have approached this Court, seeking the relief of police protection against Respondent No.1.

2. In our opinion this would not be a fit case for us to exercise our extra-ordinary jurisdiction. Even if the Petitioner's are the owners of the land and Respondent No.1 is encroaching on the land by putting up a construction, the Petitioner's have ordinary remedy by way of filing a suit and

injunction. Order 39 of the C.P.C. provides sufficient protection in case injunction granted is violated.

3. The judgment in the case of *M.P. Women's Hockey Association v. State of Maharashtra and others, 2005 (2) Mh.L.J. 1112,* in our opinion will be of no assistance. There the Government has allotted a plot of land to the Hockey Association. Slums had come up on that plot and in those circumstances this Court interfered and issued the directions. In the instant case, it is purely in the realm of private law. Considering the above, in our opinion, this would not be a fit case for us to exercise our extra-ordinary jurisdiction under Article 227 of the Constitution of India. The Writ Petition is accordingly disposed of.

(R.M. SAVANT, J.) (F.I. REBELLO, J.)